

## ATTACHMENT NO. 1

### SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

#### CONDITIONAL USE PERMIT NO. 24-023

##### SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of negligible or no expansion of an existing structure.

##### SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 24-023:

1. Conditional Use Permit No. 24-023 to permit the on-site sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 1,235 sq. ft. indoor restaurant will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the use is located within an existing mixed use building with other similar uses. The use is primarily a restaurant and the request for beer and wine is ancillary to the primary use. The additional service of beer and wine sales will benefit and serve the other uses in the Beach and Edinger Corridor Specific Plan mixed use core as well as the residential uses in the vicinity. The restaurant with the proposed uses is not anticipated to generate additional noise, traffic, or impacts above existing conditions. The commercial storefront orients south, facing Edinger Avenue, which is a primary access street in the Beach and Edinger Corridor Specific Plan which is developed with commercial and mixed residential uses. Additionally, no live entertainment is proposed and the sale, service, and consumption of beer and wine will be contained within the 1,235 sq. ft. restaurant.
2. The granting of Conditional Use Permit No. 24-023 to permit the on-site sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 1,235 sq. ft. indoor restaurant will not adversely affect the General Plan because it is consistent with the Land Use Element designation of M-sp (Mixed Use – Specific Plan Overlay – Maximum 30-50 du/ac) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

##### Land Use Element

Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.

Policy LU-11 (A): Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.

The request will expand the range of goods and services provided in the area by permitting the ancillary sale of beer and wine in conjunction with an eating and drinking establishment in a safe manner for residents and customers from the surrounding area. The proposed use provides expanded goods and services to meet the needs of the area and will add to the

capture of sales tax revenue. The sale and service of beer and wine will be ancillary to an existing restaurant use within an existing mixed-use building and fronts a primary street within the Beach and Edinger Specific Plan with adequate accessibility.

3. Conditional Use Permit No. 24-023 to permit the on-site sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 1,235 sq. ft. indoor restaurant will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because an eating and drinking establishment with beer and wine sales is permitted subject to a Conditional Use Permit within the Town Center Boulevard Segment Beach Edinger Specific Plan (SP14) zoning district pursuant to section 2.2 "Building Use Regulations." The proposed use will be located within an existing mixed-use building, which conforms to applicable site development standards, including parking.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 24-023:**

1. The site plan and floor plans received and dated November 24, 2024 shall be the conceptually approved design.
2. The hours of operation shall be limited to the following:
  - i. Restaurant: 7:00 AM – 12:00 AM, Daily
3. CUP No. 24-023 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
4. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.